

REGULATION NO. 2001/12

UNMIK/REG/2001/12

14 June 2001

ON THE PROHIBITION OF TERRORISM AND RELATED OFFENCES

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, and UNMIK Regulation No. 1999/24 of 12 December 1999, as amended, on the Law Applicable in Kosovo,

For the purpose of creating specific legislation for the prosecution and punishment of perpetrators of terrorism and related offences, including violent acts and acts dangerous to human life, committed in and around the territory of Kosovo,

Hereby promulgates the following:

Section 1

Definitions

For the purposes of the present regulation:

(a) "Terrorism" means the commission of one or more of the following offences, as defined in the applicable law, with an intent to create a serious threat to public order, to coerce a government or international organization, or to intimidate or endanger a civilian population:

- (i) murder;
- (ii) grave bodily injury;
- (iii) hostage-taking;
- (iv) kidnapping;
- (v) unlawful detention;
- (vi) poisoning of food or water;
- (vii) causing general danger;
- (viii) destroying or damaging public utilities;
- (ix) making or procuring weapons or instruments;
- (x) unlawful possession of weapons or exploding substances;
- (xi) endangering internationally-protected persons;
- (xii) hijacking of aircraft;
- (xiii) jeopardising the safety of an aircraft's flight;
- (xiv) unauthorised acquisition or use of nuclear materials; or
- (xv) jeopardising safety by nuclear materials.

(b) “Coerce a government or international organization” means to compel a government or international organization to do or to abstain from doing any act;

(c) “Government or international organization” shall include the United Nations Interim Administration Mission in Kosovo (UNMIK), the international security presence in Kosovo (KFOR), and provisional institutions of self-government, or personnel thereof;

(d) “Funds” shall include assets of any kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evincing title to or interest in such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, and letters of credit;

(e) “Material resources” shall include lodging, safe houses, false documentation or identification, financial services, facilities, personnel, means of transportation, communications equipment and other physical assets, except necessary medicine;

(f) “Terrorist organization” means a group of two or more persons, including unauthorised armed groups and paramilitary groups, whose objectives or activities are directed toward the commission of terrorism; and

(g) “Support to a terrorist organization” means recruiting members for a terrorist organization, concealing a terrorist organization or its members, obstructing the discovery or apprehension of a terrorist organization or its members, or providing or collecting funds or other material resources with the intent, knowledge or reasonable grounds for belief that they will be used, in whole or in part, by a terrorist organization.

Section 2

Commission of an Act of Terrorism

2.1 Any person who commits an act of terrorism shall be liable upon conviction to imprisonment for a term of ten (10) to twenty (20) years.

2.2 Any person who commits an act of terrorism resulting in death shall be liable upon conviction to imprisonment for a term of ten (10) to forty (40) years.

2.3 Any person who prepares for the commission of an act of terrorism shall be liable upon conviction to imprisonment for a term of five (5) to ten (10) years.

2.4 Any person who attempts, incites or aids another to commit an act of terrorism, or is complicit in the commission of an act of terrorism shall, upon conviction, be punished as if he or she committed the act of terrorism, except as is otherwise provided in the relevant provisions of the applicable criminal code.

2.5 Any person who conspires with another to commit an act of terrorism shall be liable upon conviction to imprisonment for a term of ten (10) to fifteen (15) years.

Section 3

Offences Related to the Commission of an Act of Terrorism

3.1 Any person who possesses credible information about the planning or commission of an act of terrorism at a time when it was possible to prevent the commission of the act of terrorism or to mitigate its consequences and fails to promptly report such information to the law enforcement authorities commits a criminal act and shall be liable upon conviction to imprisonment for a term of six (6) months to five (5) years.

3.2 Any person who, after the commission of an act of terrorism, assists the perpetrator or his or her accomplice by providing funds or other material resources to such persons, by undertaking actions aimed at obstructing the discovery or apprehension of such persons, or by rendering assistance to such persons in any other way, shall be liable upon conviction to imprisonment for a term of one (1) to ten (10) years.

3.3 A person shall not be held criminally liable under sections 3.1 or 3.2 of the present regulation if he or she is:

- (a) The parent or spouse of a perpetrator of or accomplice to an act of terrorism; or
- (b) The child, brother or sister of a perpetrator of or accomplice to an act of terrorism and is under the age of eighteen (18) years.

Section 4

Offences Committed for Purposes of Terrorism

4.1 Any person who provides, solicits, collects or conceals funds or other material resources with the intent, knowledge or reasonable grounds for belief that they are to be used, in whole or in part, for purposes of terrorism, commits a criminal act and shall be liable upon conviction to imprisonment for a term of five (5) to fifteen (15) years.

4.2 Any person who recruits one or more persons for purposes of terrorism commits a criminal act and shall be liable upon conviction to imprisonment for a term of five (5) to fifteen (15) years.

4.3 Any person who, for purposes of terrorism, provides or receives instruction or training, including in the construction, manufacture or use of any weapon, ammunition or explosive, commits a criminal act and shall be liable upon conviction to imprisonment for a term of five (5) to fifteen (15) years.

4.4 Any person who, for purposes of terrorism, dispatches or transfers armed groups, equipment, explosives, arms, ammunition or other material into or out of Kosovo commits a criminal act and shall be liable upon conviction to imprisonment for a term of ten (10) to fifteen (15) years.

Section 5

Offences Related to Terrorist Organisations

5.1 Any person who organizes or directs, at any level, a terrorist organization commits a criminal act and shall be liable upon conviction to imprisonment for a term of five (5) to fifteen (15) years.

5.2 Any person who provides support to a terrorist organization commits a criminal act and shall be liable upon conviction to imprisonment for a term of three (3) to ten (10) years.

5.3 Any person who actively participates in a terrorist organization commits a criminal act and shall be liable upon conviction to imprisonment for a term of one (1) to ten (10) years.

Section 6

Extra-territorial Application

In addition to its application to an act committed within Kosovo, the present regulation shall apply to an act committed outside the territory of Kosovo where:

- (a) The accused is a resident of Kosovo;
- (b) The victim is a resident of Kosovo; or
- (c) The act constitutes a threat to the security of Kosovo or its population, in whole or in part.

Section 7

Court Jurisdiction

The district court in the district where the act was committed or, if the act was not committed in Kosovo, where the accused is apprehended or surrendered to shall have competence over the offences set forth in the present regulation.

Section 8

Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

Section 9

Applicable Law

9.1 The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

9.2 Article 125 on Terrorism and Article 155a on International Terrorism of the applicable criminal code are hereby repealed.

Section 10
Entry into Force

The present regulation shall enter into force on 14 June 2001.

Hans Haekkerup
Special Representative of the Secretary-General